

**STATEMENT OF
AMNESTY INTERNATIONAL USA
ON**

**HUMAN RIGHTS CONCERNS IN
INDONESIA/EAST TIMOR**

**BEFORE THE
SENATE FOREIGN RELATIONS COMMITTEE**

FEBRUARY 21, 199²~~1~~

1. Introduction

Mr. Chairman, Amnesty International welcomes the opportunity to testify before this Committee about its concerns in Indonesia and East Timor.

Amnesty International is a worldwide human rights organization that is independent of any government or any political persuasion. We work for the unconditional release of "prisoners of conscience"--people detained for their political and religious beliefs, color, sex, ethnic origin, religion or language, provided they have neither used nor advocated the use of violence. We work for fair and prompt trials for all political prisoners and the abolition of torture and the death penalty.

The work of Amnesty International is based upon the United Nations Universal Declaration of Human Rights and other international and regional human rights treaties. We condemn the torture and execution of prisoners by all governments and opposition groups.

We neither support nor oppose any government, faction of government, opposition group or ideology nor do we take any position on questions of territoriality or independence movements. Amnesty International, as a policy, takes no position on the linkage of economic sanctions, development monies, loans or investment monies to improvements in the human rights situation in any country.

The massacre of an estimated 100 people and the wounding of more than 100 others at the Santa Cruz cemetery in East Timor last November has justly given rise to serious international concern. The precise details of that massacre and its aftermath have been described in a series of Amnesty International publications and will be related to this Committee by other witnesses here today.

Rather than repeating these details, I would like to use the time available to place the 12 November killings within a broader framework of chronic human rights violations in East Timor and Indonesia. I hope that this will help to clarify why Amnesty International considers the Indonesian Government's response to the Santa Cruz massacre to have been wholly inadequate and in some respects

quite unacceptable. It should also suggest the extent to which the international community, including the United States Government, must assume responsibility for addressing the long-term human rights crisis in Indonesia and East Timor.

Mr. Chairman, the Indonesian authorities and the United States administration, have attempted to portray the Santa Cruz massacre as an isolated incident, an aberration in an otherwise acceptable pattern of behavior by the Indonesian security forces. But, nothing could be further from the truth. Tragic though they were, the killings at Santa Cruz were only the most public examples of a long-standing pattern of gross and systematic human rights violations in East Timor. Had there been no foreign journalists in Dili to contradict the official Indonesian version of events, these killings would very likely have been ignored or forgotten like so many others. Mr. Chairman, further violations are occurring as I speak, and unless concrete measures are taken promptly, there is every likelihood that they will continue.

It is now more than 26 years since the regime of President Suharto came to power in a military coup. Since then, the government of Indonesia has been responsible for a staggering range of serious violations of human rights not only in East Timor but in Indonesia itself. The government of the United States bears a special responsibility to see that the current pattern of human rights violations is ended, because a series of U.S. administrations have consistently underplayed the significance of these violations, thereby creating an impression of acquiescing in them. In some cases, such as the physical annihilation of the Communist Party of Indonesia (PKI) after October 1965, and the 1975 invasion and occupation of East Timor there are indications that United States administrations may have encouraged them.

2. East Timor: A Long-Term Pattern of Violations

Indonesia's annexation of East Timor is not recognized by the United Nations, and its occupation of the territory is in defiance of numerous United Nations resolutions. The significance of these facts for the human rights situation in East Timor cannot be ignored; East Timor is occupied territory.

Since the invasion of East Timor in 1975, Indonesian government forces have been responsible for widespread violations, including extrajudicial execution, "disappearance," political imprisonment, torture and ill-treatment. The gravity of those violations is difficult to overstate. In the first few years after the invasion as many as 200,000 of a population of about 600,000 East Timorese died. Many died of disease or starvation but thousands were extrajudicially executed. Hundreds of others, possibly thousands, have been "disappeared" and remain unaccounted for. Most are assumed to be dead. In a series of trials beginning in the mid-1980s, scores of suspected opponents of Indonesian rule in East Timor were sentenced to lengthy prison terms for subversion and other political crimes. Many were tortured or otherwise ill-treated while under interrogation and there were serious doubts about the fairness of their trials. Most of the tried East Timorese political prisoners have now served their sentences and have been released. However, at least six long-term political prisoners remain in custody in Jakarta and Dili.

2.1 East Timor: Human Rights Today

United States Government officials, among others, have spoken of an "improvement" in the human rights situation in East Timor in recent years. In Amnesty International's view, this is misleading. For while, the pattern of violations has certainly changed since the mass killings and "disappearances" of the late 1970s and early 1980s, very serious violations have unquestionably continued into the 1990s. In August 1991, three months before the Santa Cruz massacre, Amnesty International submitted to the United Nations Special Committee on Decolonization, a 26-page document describing an established pattern of short-term detention, torture and ill-treatment of suspected opponents of Indonesian rule in East Timor. The document, like those we have submitted to the U.N. body every year since the mid-1980's, also detailed numerous cases of extrajudicial execution, political imprisonment, torture and ill-treatment which had occurred since mid 1990. It noted that, to Amnesty International's knowledge, no police or military officer had ever been brought to court for past violations in East Timor, and it warned that future violations were inevitable.

United States Government officials have also pointed to a new approach adopted by the Indonesian military in East Timor over the past two to three years as evidence of an improving human rights situation. This "territorial approach" is a change of style rather than substance. The effort to win the "hearts and minds" of the population of East Timor is part of a new counter-insurgency strategy, but it does not in any sense preclude the commission of human rights violations. Thousands of Indonesian troops continue to be deployed in East Timor, among them combat battalions and police mobile brigades like those which opened fire on the crowd at the Santa Cruz cemetery.

Administration officials have also pointed to the official "opening" of East Timor to commerce and travellers in 1989, as evidence of improvement. Yet serious restrictions remain on the monitoring and reporting of human rights in the territory. Even the International Committee of the Red Cross (ICRC) which in principle has access to official places of detention in East Timor, was prevented by military authorities from visiting hundreds of detainees in the aftermath of the Santa Cruz massacre. Those who monitor or report on human rights are treated with the deepest suspicion, their activities are monitored by military intelligence, and some have been subjected to arbitrary arrest.

The Indonesian Government has failed to respond substantively to any of the serious allegations in Amnesty International's reports, and it has failed to take any concrete measures to address the serious human rights problem in East Timor. Instead it has accused Amnesty International of "launching a campaign of slander and lies" against the government, and has said that a visit to East Timor by the organization was therefore "inconceivable."

2.2 The Santa Cruz Massacre and Its Aftermath

About 100 people were killed and scores were wounded on 12 November when Indonesian troops opened fire for several minutes on a peaceful procession at the Santa Cruz cemetery in Dili, East Timor. Some were shot while attempting to flee and others were beaten and stabbed. The victims, many of them school students and other young people, were among an estimated 3,000 people who had gone to the grave of Sebastiao (Gomes) Rangel, a young man killed on 28

October when Indonesian troops entered the parish church of Motael, Dili, where he and about 20 other political activists had been hiding.

The violations did not stop on 12 November. Scores of political activists, including many young people and Catholic priests, continue to be subjected to political imprisonment, death threats and beatings. Dozens are reported to have been killed in extrajudicial executions since the 12 November massacre and, by the government's own estimate, about 90 have "disappeared."

I do not intend to dwell now on the details of the massacre or its aftermath. Instead, I would like to offer a few remarks on the adequacy of the Indonesian Government's response to the massacre and its aftermath, because there has been a good deal of misunderstanding on this question.

Facing serious criticism at home and abroad, President Suharto established a National Commission of Inquiry in late November to look into the Santa Cruz massacre. Its nine-page report was published on 26 December. The U.S. State Department has described the Commission's report as "a serious and responsible approach to investigating the shooting incident" and has said it "...is the beginning of a lengthy process to deal fully with what happened in East Timor."

Amnesty International believes that this enthusiasm is unwarranted. In our view the Commission's mandate and methods of work of the were fatally flawed and its findings unacceptable. Other aspects of the government and military response to the massacre have, in Amnesty International's view, been inadequate and inappropriate. Rather than preventing future human rights violations the official response has been accompanied by further violations against East Timorese. One of the most conspicuous shortcomings has been the authorities failure to bring the military and police perpetrators to justice.

2.3 The National Commission of Inquiry

The major shortcomings of the National Commission of Inquiry and its report, may be summarized as follows.

1. The Commission's findings give undue credence to military accounts of the incident while ignoring or misconstruing independent evidence, including eyewitness testimony, which contradicts the official version. Such evidence suggests that the actions of the security forces were not a spontaneous reaction to a riotous mob, but a planned military operation, conducted according to standard operating procedures.

Amnesty International reiterates that it has found no independent evidence to support the military account of the massacre. On the contrary, numerous and detailed eyewitness accounts by both East Timorese and foreign observers present during the shooting clearly and consistently state that the demonstration was peaceful and that troops acted in an organized manner and fired without warning directly into the crowd. Eyewitnesses have described how soldiers lined up near the entrance to the cemetery 10 or 12 abreast, then shot for several minutes into the crowd. Film footage supports eyewitness testimony that the security forces moved systematically and deliberately through the cemetery and vicinity beating or stabbing those discovered there.

2. The Commission's report accuses East Timorese participants in the funeral procession of "provoking" the incident, while keeping criticism of police and military to the barest minimum. It suggests, in effect, that the expression of political dissent may be a justification for security forces to use lethal force or other unlawful measures against civilians.

The Commission's report devotes considerable space and energy to proving that "anti-integrationist" elements, through their "premeditated provocation", were ultimately responsible for the incident. This was precisely the interpretation offered by Armed Forces Commander, General Try Sutrisno, several weeks before the Commission produced its report. While the Commission may be correct in saying that opposition to Indonesian rule lay at the heart of the 12 November procession, it is patently untrue that members of the procession were responsible for the incident - that is, the killings and other human rights violations.

By arguing that the demonstrators were responsible for the incident, the Commission implies that the security forces were justified in using lethal force against a crowd of civilians because they were "provoked". Yet, with the exception of the alleged stabbing of two soldiers in disputed circumstances, the "premeditated provocation" which is described in the report was in fact the open and non-violent expression of political opinion in favour of East Timor's independence; a wholly legitimate activity protected in international human rights law. For example, the report says the demonstrators "...consciously exhibited Fretilin and Falintil flags, pictures of Fretilin/SDP leader Xanana, and banners, and chanted anti-integrationist yells and insults at the members of the security apparatus."

3. The Commission also maintains, against the evidence, that the soldiers acted "outside any control or command" and concludes that the incident was "clearly not an act ordered by or reflecting the policy of the Government or of the Armed Forces." Yet, available evidence, including the testimony of eyewitnesses, indicates that officers of the powerful military intelligence apparatus were in the vicinity of the cemetery and were actively involved in directing troop movements during the operation. East Timor's Governor, Mario V. Carrascalao, has said that, in addition to regular police and army units, right-wing paramilitary forces known to operate with the support of military intelligence, were deployed at the cemetery and that they were responsible for some of the shooting and other human rights violations.

Significantly, the Commission's report makes no reference to the historical pattern of human rights violations in the territory or in Indonesia. If it had done so it would have had to acknowledge that the use of lethal force by security forces has become a standard operating procedure in dealing with expressions of political dissent. Only by treating the Santa Cruz massacre as an isolated incident, and ignoring all evidence of past patterns of violations, is it able to sustain the conclusion that the killings did not reflect government or military policy.

4. The seemingly arbitrary way in which the Commission arrived at the figure of "about 50" killed suggests that it may have been driven more by political expediency than investigative rigor or available evidence.

The Commission was clearly under considerable pressure to produce a report to satisfy domestic and international critics, some of whom had threatened to suspend foreign aid if the government's inquiry was self-evidently lacking in credibility. A figure in excess of the official military figure of "only 19" killed was understood to be essential in meeting such criticism. In view of the overwhelming evidence that the number killed was far more than 19, for the Commission to conclude otherwise would have been virtually unthinkable. It should hardly be considered evidence of the Commission's impartiality or independence that it did so.

5. The Commission did not meet the criteria of independence, impartiality, and credibility required by the United Nations' own Principles for the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions. Many East Timorese were hesitant to testify before the Commission; it was almost inconceivable that the testimony and information it gathered could be complete and accurate.

Perhaps the most intractable weakness of the Commission was that it was not perceived within East Timor as an impartial body, but as a representative of the Indonesian Government and the military. It did not include any delegate of genuinely independent or impartial stature. The members were representatives from: the Ministries of Home Affairs, Foreign Affairs, and Justice, and also from Armed Forces Headquarters, the President's Supreme Advisory Council and the People's Representative Assembly, a body which has no authority to bring the government or the military to account. The Commission was headed by a Supreme Court Judge and military officer, General Muhammad Djaelani SH. Like other courts in Indonesia, the Supreme Court has rarely if ever challenged the position of the government or the military, particularly in matters relating to politics or national security.

Serious doubts about the Commission's ability to conduct a thorough and impartial investigation were confirmed by its own admission that it had "faced obstacles" because witnesses were unwilling to testify for fear of being "incriminated" in the 12 November incident. On the eve of his departure from Dili, the Commission's Chairman, General Djaelani, told the press: "Our main problem was that [the East Timorese] were all too afraid to talk." This statement

corroborated reports that military surveillance and intimidation intensified in the wake of the Santa Cruz massacre.

6. Members of the Commission did not possess the necessary technical expertise to conduct an investigation which required a thorough search for mass burial sites, full exhumations and the performance of autopsies.

Partly for this reason, and partly due to obstruction by military authorities, the Commission did not obtain an accurate picture of the number or the identity of victims, nor did it seek to establish the cause of death in any instance. The Commission made only a perfunctory attempt to locate mass graves where scores of people were alleged to have been buried. In fact, the Commission discovered only 19 graves - those already acknowledged by military authorities - and exhumed only one body, during its last day in Dili. The body was briefly observed by members of the Commission, then immediately reburied. Oddly, the Commission reported that the victim was "completely dressed in accordance with Catholic tradition", as if the sole objective of the investigation were to ensure that religious sensitivities had been respected by the security forces. The Commission did not explain why it had not inspected any of the other graves.

2.4 Other Aspects of the Government's Response

The National Commission of Inquiry was only one element of the government's response to the Santa Cruz massacre. Shortly after the Commission submitted its preliminary report, President Suharto ordered a number of follow-up measures. The U.S. administration appears to believe that these constitute part of a genuine effort to respond to the massacre and its aftermath. However, none of the initiatives taken to date properly addresses the root causes of human rights violations in East Timor. The Indonesian Government's actions appear instead to be aimed at putting an end to political opposition in East Timor and satisfying domestic and international critics that something is being done.

U.S. officials have wrongly suggested that Indonesian military officers with responsibility for East Timor had been dismissed. It is true that several military officers, including the Region IX Commander, Major General Sintong Panjaitan and the head of the Operational Command for East Timor (KOLAKOPS), Brigadier General Rudolf Warouw, were transferred from their posts after the massacre, but to Amnesty International's knowledge they have not been dismissed from military service.

Army Chief of Staff, General Edi Sudradjat, set up a Council on Military Honor (Dewan Kehormatan Militer) which, according to a Indonesian Government press release, was to "discuss the necessary measures to be taken in regard to the incident." But as its name suggests, the Council appears to be intended to clear the tarnished image of the military rather than to bring it to account. To date, not a single member of the security forces has been charged or brought before the courts for the Santa Cruz killings and subsequent human rights violations. It remains to be seen whether the Council on Military Honor will take the necessary step of recommending prosecution of police and military officials, and whether the military court system will find guilty any of those charged. If military or police officials are brought to justice it will mark an important precedent in the protection of human rights in Indonesia and East Timor. If they are not, clear message will be sent that members of the security forces are free to commit violations with impunity.

Far from putting an end to human rights violations, the official reaction to the incident has been accompanied by the commission of further serious violations, including arrest for political reasons, torture, ill-treatment and extrajudicial executions. The security forces have apparently used the investigation into the Santa Cruz massacre as an opportunity for intimidating and imprisoning suspected opponents of Indonesian rule in East Timor.

At least 56 of the more than 300 detained in connection with the incident, remain in custody in mid February 1992, more than three months after the massacre. Amnesty International believes that some or all may be prisoners of conscience. They include political activists, some of them witnesses to the Santa Cruz incident, and people who had been involved in monitoring the human rights situation in East Timor. At least 13 of those currently detained are set to stand trial

in the near future. Four are accused of subversion which carries a maximum penalty of death; nine others face lesser political charges such as "expressing feelings of hostility, hatred or contempt toward the government", which carries a maximum seven year sentence. Past practice has shown that political trials in Indonesia and East Timor fall far short of international standards of fairness.

Since 12 November, government and military authorities have taken measures to ensure that witnesses, human rights activists and independent observers are not in a position to dispute the official version of events, and restrictions on access to East Timor have been tightened.

For nearly two weeks after the massacre, representatives of the International Committee of the Red Cross (ICRC) were prevented from speaking privately to political prisoners and the scores of the wounded held under guard at the military hospital in Dili. The authorities said that access would be granted only after interrogations had been completed, a condition the ICRC described as "unacceptable". Military authorities also prevented Professor Peter Kooijmans, the United Nations Special Rapporteur on Torture who was in Dili at the time of the incident, from visiting the wounded on 13 November. Visits by relatives of detainees and wounded were also prevented, thereby giving rise to further anxiety and fear about their fate.

The authorities also hindered efforts to establish an accurate count of the number and the identities of the victims. They admitted that the bodies of many who died at Santa Cruz were immediately buried at an abandoned graveyard outside Dili. Military authorities apparently made no effort to identify any of those buried, while the hasty disposal of the bodies virtually precluded the performance of proper post-mortem examinations or forensic tests. Even before the Commission began its investigations, government and military authorities had insisted that only 19 people died, flatly denying all eyewitness and circumstantial evidence to the contrary.

Non-governmental organizations, particularly those involved in human rights monitoring, have been threatened with legal action by government Ministers. In December, the Coordinating Minister for Political and Security Affairs, Sudomo, accused some organizations of "...using foreign funding for anti-

government activities" and asked rhetorically: "Doesn't this amount to helping foreigners to create chaos in our national stability?" In mid-December, the military commander for East Timor announced that demonstrations had been banned, explaining that past demonstrations had been "aimed at undermining the authority of the government." Three journalists of the weekly Jakarta Jakarta were dismissed in January 1992 after the paper's publisher received an official warning from the authorities for publishing the testimonies of 12 East Timorese who witnessed the massacre. Other Indonesian papers have been formally warned not to print "tendentious" or "speculative" stories.

Restrictions on access to and reporting about East Timor by foreigners have been tightened since the Santa Cruz massacre because of the government's allegation that visits by outsiders have been responsible for encouraging "anti-Indonesia" activities. Two key eyewitnesses, U.S. journalists Amy Goodman and Alan Nairn, whose testimony contradicts the military version of events in almost every important respect, have been placed on the government's official black-list, which includes some 17,000 names. Like dozens of foreign journalists barred from entering East Timor and Indonesia, they were blacklisted because, in the words of one government official, "...they are considered to be dangerous to the safety and security of the nation." A number of foreigners judged by military intelligence agents to be engaging in "suspicious" or "political" behavior, have been deported.

3. Indonesia: A Human Rights Crisis

Mr. Chairman, I noted at the outset that the Indonesian government, among others, has attempted to portray the Santa Cruz massacre as an isolated incident. It should now be evident that, as far as East Timor is concerned, this is patently untrue. It is similarly untrue for Indonesia itself. Allow me to outline briefly the history of human rights abuse under the current regime.

In the immediate aftermath of the October 1965 coup - a coup supported by the United States Government and its agencies - somewhere between 500,000 and one million civilians were arbitrarily executed by government forces or by individuals and groups acting with their support or acquiescence. Those killed

were alleged members or sympathizers of the Communist Party of Indonesia, which prior to the military coup had been a legal political party or its affiliated organizations. In the same period, at least half a million alleged communist sympathizers were detained, most of them without formal charge or trial. Many of those who were tried were sentenced on the basis of testimony extracted under torture. The trials in which they were convicted failed in almost every respect to meet international standards of fairness. For suspected communists, as for others charged with subversion, conviction was a foregone conclusion. Tens of thousands remained in prison until the late 1970s, and today at least 35 are still in custody, seven of them elderly men still awaiting execution on death row.

A quarter of a century after the crime allegedly committed by the Communist Party, official persecution of suspected communists has not stopped. Hundreds of thousands of former members of the Communist Party, and their relatives, continue to be subjected to restrictions affecting their freedom of movement and civil rights. Within the past few years, a number have been arbitrarily arrested and ill-treated; countless others have lost their jobs. Last year, candidates for elections scheduled for 1992 were required to undergo a political screening process to identify and disqualify possible communist sympathizers. More than 35,000 alleged former communists are still officially denied the right to vote.

In the years since the 1965 coup, extrajudicial execution, political imprisonment and torture have become part of the normal institutional repertoire of the Indonesian Government in dealing with political dissent, or other perceived threats to national security, no matter how peaceful. Between 1983 and 1985, for example, government death squads summarily executed an estimated 5,000 people in various cities in Indonesia. The executions were often carried out in public places; the victims' bodies were usually left in full public view. At the time, the government vigorously denied any responsibility for the so-called "mysterious killings" (Petrus). However, in his autobiography, published in 1989, President Suharto boasted that the killings were part of a deliberate government campaign to get rid of undesirable elements. According to the President, the summary killings were intended to act as "shock therapy". His admission provided clear evidence that the Government had been lying.

3.1 Indonesia: Human Rights Today

Summary

The human rights situation in Indonesia remains critical in 1992. More than 150 real or alleged government opponents are prisoners of conscience or possible prisoners of conscience: most are serving lengthy sentences for subversion imposed after unfair trials. They include university professors, newspaper editors, advocates of independence in various regions, students, and Islamic scholars. At least 300 other political prisoners, and possibly many more, continue to serve lengthy sentences imposed after unfair trials in previous years.

In Aceh and North Sumatra, - where the government has conducted a counter-insurgency campaign against an armed rebel movement Aceh Merdeka, since 1989 - an estimated 2,000 civilians have been extrajudicially executed by government or government-backed forces. Countless others in the region have been "disappeared" and are feared dead. Hundreds, possibly thousands, of people have been arrested in the past three years in Aceh, North Sumatra and Irian Jaya, as suspected advocates of independence for these areas. Many have been held without trial for up to several months. The torture and ill-treatment of such political detainees and criminal suspects is commonplace and has sometimes resulted in death.

Although the Indonesian Government insists that military and police personnel are punished for committing human rights violations, Amnesty International knows of only a handful of cases in which members of the security forces have been brought to justice. Virtually all of those known to have been tried have been police officers accused of ill-treating or torturing criminal suspects, and they have generally received light sentences. To Amnesty International's knowledge, none have been brought before the courts in connection with the torture, extra-judicial execution or "disappearance" of an alleged political opponent of the regime.

At least 29 political prisoners have been judicially executed since 1985. They included four elderly men killed by firing squad in February 1990, who had served more than twenty years in jail on political charges. Seven other political prisoners currently remain on death row, more than 25 years after their arrest on charges of subversion.

Prisoners of Conscience

In Aceh and North Sumatra, 35 alleged supporters of Aceh Merdeka, an armed opposition group seeking independence for Aceh and parts of Sumatra, were sentenced to prison terms up to 20 years in 1991. Some appeared to be prisoners of conscience, including Drs. Nurdin Abdurachman, a university professor. He was convicted of subversion and received a nine year sentence in May 1991 for attending "clandestine meetings" in 1990 at which an independent Acehne~~se~~ state was discussed, although he had apparently advocated the use of diplomatic rather than violent means to seek independence.

More than 50 of an estimated 300 Islamic activists imprisoned for subversion in previous years, and serving sentences up to life imprisonment, are also believed to be prisoners of conscience. They include people convicted of involvement with *usroh* groups, which advocate closer ties among Muslims and a stricter adherence to Muslim teachings. Others were sentenced after unfair trials in 1989-1990 for undermining the state ideology *Pancasila* and attempting to establish an Islamic state. In December 1989 Haji Abdul Ghani Masykur received an 11-year prison sentence - later reduced to eight years on appeal - for alleged subversion. He was accused of attending a meeting in February 1989 where there were discussions on the establishment of an Islamic state, and of contacting other Islamic activists.

Hundreds of suspected critics or opponents of Indonesian rule in Irian Jaya have been detained in recent years. At least 130 such prisoners, 80 of whom are believed to be prisoners of conscience, are currently sentences between three years and life imprisonment. All were convicted of subversion, for advocating the independence of the province of Irian Jaya.

They include 37 people sentenced to prison terms up to 20 years for involvement in a peaceful flag-raising ceremony at which the independence of the state of "West Melanesia" was symbolically declared. Among those imprisoned are seven priests, several university lecturers and a number of civil servants. The leader of the group, Dr. Thomas Waingai, was found guilty of subversion and sentenced to 20 years in jail. His wife, Teruko Waingai, a Japanese national, was sentenced to eight years. Trial documents reveal that there were no allegations that members of the group had used or advocated violence.

Also among the prisoners of conscience from Irian Jaya are more than 30 people accused of planning demonstrations to commemorate the 1988 flag-raising one year later. They include four men who sought asylum at the Papua New Guinea Consulate in Jayapura in December 1989, but whose request was denied. One of the four, Drs. Jacob Rumbiak, who was arrested in early 1990 with three others, was initially sentenced to 17 years in prison for subversion. His sentence was reduced to six years on appeal to the High Court, but then restored to 17 years by the Supreme Court in May 1991.

Five prisoners of conscience jailed in previous years for their peaceful political activities in university groups remain in jail. In August 1991 the Supreme Court upheld the eight-and-a-half year sentence of Bonar Tigor Naipospos, convicted of subversion in 1990 for disseminating Marxist teachings and distributing banned literature. Two Bandung Institute of Technology students also remained in prison. They were each sentenced to three years' imprisonment in February 1990 for expressing feelings of "hostility, hatred or contempt..." toward the Minister of Home Affairs at a peaceful demonstration in August 1989. The Supreme Court rejected their appeals in December 1990. The authorities announced in October 1991 that four other students from the same institute sentenced at the same time were to be conditionally released.

Ten other political prisoners, six of them prisoners of conscience, were released in 1991; all had been sentenced in previous years after unfair trials. In April Dr. Susilo, a veterinary surgeon, was released after serving 23

years for subversion. Two other PKI prisoners, Rewang and Marto Suwandi, who had been detained arbitrarily for more than three years after completing their sentences, were released in July. Professor Dr. Oesmany al Hamidy and Hasan Kiat, sentenced to six and seven years respectively in 1986 for delivering "seditious" sermons, were released in August. A prisoner of conscience from East Timor, David Dias Ximenes, was released at the same time after serving a 15 year sentence for his alleged links with Fretilin. Paulina Wainggai, sentenced to two years' imprisonment in 1989 for taking part in the 1988 flag-raising ceremony in Irian Jaya, was also released.

Political Show Trials

Serious doubts remain about the fairness of political trials, particularly those held under the vaguely-worded Anti-Subversion Law, which carries a maximum penalty of death. The sweeping language of this law makes it possible for virtually any act, word or even intention to be construed by the prosecutor and the court as subversive. In practice, people charged with subversion appear to be presumed guilty, rather than innocent until proven guilty. Subversion trials are, in effect, political show trials.

Defendants are frequently held for several months, incommunicado, before being charged or tried, and are often denied access to legal counsel of their choice. Other deficiencies in political trials may be summarized as follows: there is an evident lack of independence in the judiciary, particularly where matters of "national stability" or "security" are at issue; intimidation of witnesses, defendants and defence lawyers involved in subversion cases is common; the language used in trial proceedings is not always properly understood by defendants and witnesses; public access to trial documents and proceedings in subversion cases is strictly limited; defence lawyers are often prevented from communicating with their clients at the pre-trial stage.

In the past two years, several political prisoners have been convicted on the basis of uncorroborated confessions and testimony reportedly extracted under torture. One was Drs. Adnan Beuransyah, who received an eight year sentence in May 1991 for alleged involvement in Aceh Merdeka. He was held incommunicado for several months during which he was burned with cigarettes and given electric shocks.

Torture, Ill-Treatment and Death in Custody

The torture and ill-treatment of political detainees and criminal suspects is widespread in Indonesia and sometimes results in death. In Aceh and North Sumatra hundreds of suspected supporters of Aceh Merdeka were reported to have been tortured or ill-treated, including a man named Syaifulah, who was held for at least five months at the Police Mobile Brigade headquarters in Medan. Witnesses said he was kicked and beaten, stripped naked and had his genitals squeezed with metal pliers while detained in February 1991. He then "disappeared."

In Irian Jaya, two political prisoners died in disputed circumstances in August after allegedly escaping from a military prison. Melkianus Salosa, sentenced to life imprisonment for subversion in March 1991 after being forcibly returned to Indonesia by the Papua New Guinea authorities, was found dead outside the military prison where he had been held. Military authorities said that he had died of exposure after escaping from the prison; Amnesty International believed that he may have been tortured and extrajudicially executed. Prior to his death, Amnesty International had received reports that he was badly beaten in military custody. According to one such report, Salosa's fingernails and toenails were pulled out, several of his teeth were knocked out and he had sustained bruises to the face. A political detainee held in the same prison and later released claimed to have seen Salosa being taken from his cell bleeding heavily from his hands.

Criminal suspects are often beaten and tortured by police and police auxiliaries seeking to extract confessions. Some have died as a result. Beni, a Pontianak construction worker arrested in March 1991, died in police

custody three days later. The police said he had died of natural causes but an eyewitness said three police officers had beaten him and relatives pointed to cuts and bruises on his corpse as evidence of torture. No official investigation was known to have been held. Members of the security forces are sometimes convicted of torturing or ill-treating criminal suspects and given short prison sentences, but virtually no action is taken against those suspected of torturing political detainees.

Extra-judicial Executions

Hundreds of civilians were reported to have been killed during counter-insurgency operations in 1991 in Aceh and North Sumatra, bringing to more than 2000 the number estimated to have been extrajudicially executed in the region since 1989. In late 1990, villagers discovered hundreds of corpses in shallow graves, ditches and rivers. Some were still blindfolded with their hands and feet bound, and many bore signs of torture and had bullet wounds to the head. In one case reported by several eyewitnesses in May 1991, five suspected rebels were publicly executed by soldiers in the town of Sigli in the Pidie district of Aceh. Other eyewitness testimony gathered by Amnesty International suggests that extra-judicial executions in Aceh and North Sumatra, like the "mysterious killings" of the mid-1980s, are part of a conscious military strategy to put an end to political opposition.

There have also been reports of extra-judicial killing in Irian Jaya, though on a smaller scale. In May 1990 government security forces on the island of Biak reportedly shot and beheaded a man they suspected of being a member of the OPM (Organisasi Papua Merdeka). Eyewitnesses said that soldiers shot Soleman Daundi, aged 22, shortly after he surrendered to local authorities in Napdari village on 13 May. The soldiers reportedly cut off his head and then carried it with them to the local military headquarters at Wardo (KORAMIL Wardo), displaying it in Sarwa and more than a dozen other villages along the way. Soleman Daundi had apparently been involved in a flag-raising ceremony in Sopen in December 1989.

The Death Penalty

The Indonesian Government has used the death penalty with increasing frequency in recent years and it has used it disproportionately against political prisoners. At least 29 prisoners have been executed since 1985, compared with four in the previous ten years. Twenty-two of the 29 were sentenced to death for their alleged involvement in the 1 October 1965 coup attempt, or for membership of the Communist Party of Indonesia. Five were Muslim activists convicted of subversion and violent crimes, and two were criminal offenders accused of murder. At least 33 people were on death row at the end of 1991, eight of whom were feared to be in imminent danger of execution. They included seven elderly men sentenced for involvement in the 1965 coup attempt or PKI membership.

4. Concluding Remarks

Mr. Chairman, the Santa Cruz massacre has rightly been called a tragedy. But the greater tragedy is that it has taken these killings, and so many thousands of others, before any serious consideration has been given to the continuing human rights crisis in Indonesia and East Timor. Amnesty International commends this Committee for its demonstration of concern in holding these hearings about the human rights situation there. But let me be perfectly clear. In Amnesty International's view it would be unforgivable if those nations, such as the United States, which espouse respect for fundamental human rights, missed this opportunity, and failed to take decisive action now. This is not a time for equivocation and double standards. It is the time to speak and to act clearly and unambiguously, to convey a message that human rights violations will not be tolerated, regardless of which government commits them.

More than 26 years of chronic human rights violations in Indonesia and continuing violations more than 16 years after the invasion of East Timor are cause for serious concern. In Amnesty International's view, they require an immediate and firm response from the international community, and in particular

from countries like the United States which have for so long been friend and ally to the Indonesian Government.

4.1 Recommendations

Amnesty International believes that concrete steps must be taken to address the broader human rights crisis in Indonesia and East Timor as a matter of urgency. It therefore offers the following recommendations which, if implemented, it believes would contribute toward the future protection of human rights.

Amnesty International urges the Bush Administration to:

1. Seek a prompt and impartial international investigation under U.N. auspices into the Santa Cruz massacre and its aftermath;
2. Seek a full report to the U.N. Commission on Human Rights by the U.N. Secretary-General on the findings of his emissary, Amos Wako, who visited Indonesia and East Timor in January 1992, to look into the Santa Cruz massacre and its aftermath;
3. Establish effective means whereby the regular monitoring of the human rights situation in Indonesia and East Timor under U.N. auspices can be assured.

Amnesty International urges the Bush Administration to impress upon the Indonesian Government the need to:

1. Cooperate fully with all U.N. human rights initiatives, including a thorough international investigation of the Santa Cruz massacre and its aftermath.
2. Bring promptly to justice all members of the security forces responsible for human rights violations, in particular those committed during and after the Santa Cruz massacre;

3. Permit the free and regular monitoring of human rights in East Timor and Indonesia by domestic and international human rights organizations;
4. Guarantee continued access to all detention centers by the International Committee of the Red Cross (ICRC);
5. Permit free and unimpeded access to East Timor and Indonesia by domestic and foreign-based journalists;
6. Welcome international trial observers at political trials, in particular those of East Timorese arrested in connection with the Santa Cruz massacre;
7. Release immediately all those imprisoned solely for their non-violent political activities or beliefs;

APPENDIX

**AMNESTY INTERNATIONAL DOCUMENTS ON THE SANTA CRUZ MASSACRE
AND ITS AFTERMATH**

East Timor: The Santa Cruz Massacre, 14 November 1991 (ASA 21/23/91)

Indonesia/East Timor: AI Appalled at Massacre, Calls for Impartial Inquiry, Press Statement, 14 November 1991 (ASA 21/21/91)

East Timor: After the Massacre, 21 November 1991 (ASA 21/24/91)

Indonesia/East Timor: AI Urges Rigorous Standards for International Inquiry into Massacre, Press statement, 3 December 1991 (ASA 21/WU 03/91)

East Timor: Violations Continue and Doubts Remain over Official Inquiry, Press statement, 26 December 1991

Following the massacre Urgent Action appeals were issued on behalf of dozens of East Timorese students and others arrested in Dili, Jakarta, Bali and elsewhere in Indonesia. Some of the arrests occurred during peaceful protests against human rights violations in East Timor. Others were arrested after disseminating information about the massacre.

The Urgent Actions expressed concern that those detained were prisoners of conscience, that many were held incommunicado and that some were reportedly tortured. Appeals were issued on the following dates:

**12 November 1991 (ASA 21/18/91) 22 November 1991 (ASA 21/26/91) 29
November 1991 (ASA 21/28/91) 10 December 1991 (ASA 21/29/91)
3 January 1992 (ASA 21/01/92) 9 January 1992 (ASA 21/02/92)**

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**For further information on human rights violations in East Timor, see East Timor:
Amnesty International Statement to the United Nations Special Committee on
Decolonization, August 1991 (ASA 21/14/91)**